



**DIVISION OF WATER RESOURCES  
MINING SECTION**

**Public Participation Opportunities  
Request for Public Comments  
Draft Permit Actions**

**September 26, 2019**

**Public Notice: MA2019-01**

**Last Day to Comment: October 28, 2019**

The purpose of this notice is to advise the public of the following draft environmental permits and to solicit comments and information necessary to evaluate the potential impact of the proposed activities on human health and the environment. The draft permits are available on the Division's Data Viewer at the web address: [http://tdec.tn.gov:8080/pls/enf\\_reports/f?p=9034:34001](http://tdec.tn.gov:8080/pls/enf_reports/f?p=9034:34001).

The Division has made the determination that the following ARAP permit applications are complete as required by *Rule 0400-40-03-.06(1)(c)* and *Rule 0400-40-07-.04*.

**Individual Aquatic Resource Alteration Permit (ARAP)**

Applicant: **Davis Creek Energy, LLC**  
Phone **(864) 985-1688**  
Facility: **Area 6**  
Permit Number: **NR19MS.001** Permit Writer Initials **DRM**  
County: **Campbell** EFO Name **Knoxville**  
Street Address: 207 E. North 1st Street., Suite T  
City and Zip Code: Seneca, SC 29678  
Description of Activity: Bituminous Coal Surface Mining  
Alteration Description: 1316 linear feet of stream and 0.745 acres of wetlands alterations  
Receiving Stream: Unnamed Tributaries to Hogcamp Branch and Granny Branch  
Facility Location: Latitude 36.492659 Longitude 84.024524  
Westborne Lane, Cotula, TN 37729

**List of Permit Writers-Mining Section**

<b>CMP</b>	Chris Pracheil	865-594-5610	<a href="mailto:Christopher.Pracheil@tn.gov">Christopher.Pracheil@tn.gov</a>
<b>DKC</b>	Dennis Conger	865-594-5555	<a href="mailto:Dennis.Conger@tn.gov">Dennis.Conger@tn.gov</a>
<b>DPL</b>	Daniel Lawrence	865-594-5543	<a href="mailto:Daniel.Lawrence@tn.gov">Daniel.Lawrence@tn.gov</a>
<b>DRM</b>	Dan Murray	865-594-5549	<a href="mailto:Dan.Murray@tn.gov">Dan.Murray@tn.gov</a>
<b>GEK</b>	Geoff Klein	865-594-5527	<a href="mailto:Geoff.Klein@tn.gov">Geoff.Klein@tn.gov</a>
<b>LCK</b>	Logan Kennedy	865-594-5545	<a href="mailto:Logan.Kennedy@tn.gov">Logan.Kennedy@tn.gov</a>

### **Environmental Field Offices**

Chattanooga Environmental Field Office  
1301 Riverfront Parkway Suite 206  
Chattanooga, TN 37402-2233  
(423) 634-5745 or 1-888-891-8332

Columbia Environmental Field Office  
1421 Hampshire Pike  
Columbia, TN 38401-5611  
(931) 380-3371 or 1-888-891-8332

Cookeville Environmental Field Office  
1221 South Willow Avenue  
Cookeville, TN 38506-4107  
(931) 520-6688 or 1-888-891-8332

Jackson Environmental Field Office  
1625 Hollywood Drive  
Jackson, TN 38305-4316  
(731) 512-1300 or 1-888-891-8332

Johnson City Environmental Field Office  
2305 Silverdale Road  
Johnson City, TN 37601-4322  
(423) 854-5400 or 1-888-891-8332

Knoxville Environmental Field Office  
3711 Middlebrook Pike  
Knoxville, TN 37921-6538  
(865) 594-6035 or 1-888-891-8332

Nashville Environmental Field Office  
711 R. S. Gass Boulevard  
Nashville, TN 37216-2637  
(615) 687-7000 or 1-888-891-8332

Memphis Environmental Field Office  
8383 Wolf Lake Drive  
Bartlett, TN 38133-4119  
(901) 371-3000 or 1-888-891-8332

### **How to Comment**

The Tennessee Department of Environment and Conservation (TDEC) is requesting public comments on the permit actions. Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure quality decisions. Persons wishing to comment on the proposed permit actions may submit comments in writing to the Mining Section at the Knoxville Environmental Field Office, Attn: ARAP-Mining Public Notice; by fax to (865) 594-6105; or by e-mail to Dan.murray@tn.gov. The Division must receive your comments before the close of the comment period (see page 1).

### **How to Request a Public Hearing**

Interested persons may request in writing that the Division hold a public hearing on any application. Said request from interested persons must be filed as soon as possible, but no later than the end of the period allowed for public comment, and must indicate the interest of the party filing it, must concisely state the water quality issues being raised, and the reasons why a hearing is warranted. When there is significant public interest for a hearing, the Division will hold a hearing in accordance with *Rule 0400-40-07-.04(4)(f)*. A separate public notice will announce the public hearing.

### **How the Department Will Proceed**

The Director of the Division of Water Resources will determine the final permit action after considering comments submitted during the comment period, the hearing record, if any, and the requirements of Federal and State acts and regulations.

## **To Obtain Permit Details**

Draft permits contain Antidegradation Determinations and Rationales that address information concerning the foundation for the Division's decisions. Copies of the applications, draft permits, and supporting documentation are in the permit files maintained at the Knoxville Environmental Field Office, Mining Section. There is a nominal fee for copying. The files are available for public inspection during normal visiting hours. Please email [Kara.Blevins@tn.gov](mailto:Kara.Blevins@tn.gov) or call (865) 594-5460 to schedule an appointment for the review.

## **State of Tennessee Antidegradation Policy**

Tennessee's Antidegradation Statement is in Rule 0400-40-03-.06 of the Tennessee Department of Environment and Conservation. It is the purpose of Tennessee's standards to fully protect existing uses of all surface waters as established under the Act. Where the quality of Tennessee waters is better than the level necessary to support propagation of fish, shellfish, and wildlife, or recreation in and on the water, that quality will be maintained and protected unless the Department finds, after intergovernmental coordination and public participation, that lowering water quality is necessary to accommodate important economic or social development in the area in which the waters are located.

Generally, there are two types of high quality waters. Outstanding National Resource Waters (ONRWs) receive the greatest level of protection. The Board of Water Quality, Oil and Gas designate these waters. New or expanded water withdrawals in ONRWs must result in no measurable degradation. New or expanded habitat alterations in ONRWs can result in no more than de minimis degradation.

The Department identifies other high quality waters known as Exceptional Tennessee Waters (ETWs) and protects against their degradation. New or increased water withdrawals that would cause degradation of any available parameter above the level of de minimis will only be authorized if the applicant has demonstrated to the Department that there are no practicable alternatives to prevent or lessen degradation associated with the proposed activity and the degradation is necessary to accommodate important economic or social development in the area and will not violate the water quality criteria for uses existing in the receiving waters. Activities that would cause degradation of habitat above the level of de minimis will only be authorized if the applicant has demonstrated to the Department that there are no practicable alternatives to prevent or lessen degradation associated with the proposed activity, and the degradation is necessary to accommodate important economic or social development in the area and will not violate the water quality criteria for uses existing in the receiving waters.

All Tennessee waters even when not designated as high quality are classified as having unavailable parameters or available parameters. In waters with unavailable parameters no new or increased water withdrawals that will cause additional measurable degradation of the unavailable parameter shall be authorized. In waters with unavailable parameters habitat alterations that cause significant degradation shall not be authorized. In waters with available parameters an activity that would cause degradation above the level of de minimis will only be authorized if the applicant has demonstrated to the Department that there are no practicable alternatives to prevent or lessen degradation associated with the proposed activity and the degradation is necessary to accommodate important economic or social development in the area and will not violate the water quality criteria for uses existing in the receiving waters. These waters must achieve and maintain Tennessee's Water Quality Standards.

### **State of Tennessee Policy of Non-Discrimination**

Pursuant to the State of Tennessee's policy of non-discrimination, the Tennessee Department of Environment and Conservation does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in its programs, services or activities. You may direct any Equal Employment Opportunity/Affirmative Action inquiries or complaints to the EEO/AA Coordinator, Office of General Counsel, William R. Snodgrass - TN Tower, 312 Rosa L. Parks Avenue, Nashville, TN 37243-1102 or telephone 1-888-867-7455. Direct any Americans with Disabilities Act (ADA) inquiries or complaints to the ADA Coordinator, Human Resources Division, William R. Snodgrass - TN Tower, 312 Rosa L. Parks Avenue, 2<sup>nd</sup> Floor, Nashville, TN 37243-1102 or telephone 1-888-867-7455. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298). If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Saul Castillo at 615-532-0462 for more information.